

1 PHILLIP A. TALBERT
United States Attorney
2 ADRIAN T. KINSELLA
Assistant United States Attorney
3 501 I Street, Suite 10-100
Sacramento, CA 95814
4 Telephone: (916) 554-2700

5 Attorneys for Plaintiff
United States of America
6
7

8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 ALEJANDRA SUSANA CASTILLO,
15 Defendant.

CASE NO. 2:24-CR-0325-DC
PLEA AGREEMENT
DATE:
TIME:
COURT:

16 I. INTRODUCTION

17 A. Scope of Agreement

18 The information in this case charges the defendant with a violation of 18 U.S.C. § 933(a)(1) -
19 Conspiracy to Traffic in Firearms. This document contains the complete plea agreement between the
20 United States Attorney's Office for the Eastern District of California (the "government") and the
21 defendant regarding this case. This plea agreement is limited to the United States Attorney's Office for
22 the Eastern District of California and cannot bind any other federal, state, or local prosecuting,
23 administrative, or regulatory authorities.

24 B. Court Not a Party

25 The Court is not a party to this plea agreement. Sentencing is a matter solely within the
26 discretion of the Court, and the Court may take into consideration any and all facts and circumstances
27 concerning the criminal activities of defendant, including activities that may not have been charged in
28 the information. The Court is under no obligation to accept any recommendations made by the

1 government, and the Court may in its discretion impose any sentence it deems appropriate up to and
2 including the statutory maximum stated in this plea agreement.

3 If the Court should impose any sentence up to the maximum established by the statute, the
4 defendant cannot, for that reason alone, withdraw her guilty plea, and she will remain bound to fulfill all
5 of the obligations under this plea agreement. The defendant understands that neither the prosecutor,
6 defense counsel, nor the Court can make a binding prediction or promise regarding the sentence she will
7 receive.

8 II. DEFENDANT'S OBLIGATIONS

9 A. Guilty Plea

10 The defendant will plead guilty to the sole count of the information. The defendant agrees that
11 she is in fact guilty of this charge and that the facts set forth in the Factual Basis For Plea attached hereto
12 as Exhibit A are accurate.

13 The defendant agrees that this plea agreement will be filed with the Court and become a part of
14 the record of the case. The defendant understands and agrees that he will not be allowed to withdraw
15 her plea should the Court not follow the government's sentencing recommendations.

16 The defendant agrees that the statements made by him in signing this Agreement, including the
17 factual admissions set forth in the factual basis, shall be admissible and useable against the defendant by
18 the United States in any subsequent criminal or civil proceedings. The defendant waives any rights
19 under Rule 11(f) of the Federal Rules of Criminal Procedure and Rule 410 of the Federal Rules of
20 Evidence, to the extent that these rules are inconsistent with this paragraph or with this Agreement
21 generally.

22 B. Waiver of Indictment

23 The defendant acknowledges that under the United States Constitution she is entitled to be
24 indicted by a grand jury on the charges to which he is pleading guilty and that pursuant to Fed.R.Crim.P.
25 7(b). She agrees to waive any and all rights she has to being prosecuted by way of indictment to the
26 charges set forth in the information. The defendant agrees that at a time set by the Court, she will sign a
27 written waiver of prosecution by Indictment and consent to proceed by Information rather than by
28 Indictment.

1 **C. Sentencing Recommendation**

2 The defendant and her counsel may recommend whatever sentence they deem appropriate.

3 **D. Special Assessment**

4 The defendant agrees to pay a special assessment of \$100 at the time of sentencing by delivering
5 a check or money order payable to the United States District Court to the United States Probation Office
6 immediately before the sentencing hearing. The defendant understands that this plea agreement is
7 voidable at the option of the government if she fails to pay the assessment prior to that hearing. If the
8 defendant is unable to pay the special assessment at the time of sentencing, she agrees to earn the money
9 to pay the assessment, if necessary, by participating in the Inmate Financial Responsibility Program.

10 **E. Defendant's Violation of Plea Agreement or Withdrawal of Plea**

11 If the defendant, violates this plea agreement in any way, withdraws her plea, or tries to
12 withdraw her plea, this plea agreement is voidable at the option of the government. The government
13 will no longer be bound by its representations to the defendant concerning the limits on criminal
14 prosecution and sentencing as set forth herein. One way a defendant violates the plea agreement is to
15 commit any crime or provide any statement or testimony which proves to be knowingly false,
16 misleading, or materially incomplete. Any post-plea conduct by a defendant constituting obstruction of
17 justice will also be a violation of the agreement. The determination whether the defendant has violated
18 the plea agreement shall be decided under a probable cause standard.

19 If the defendant violates the plea agreement, withdraws her plea, or tries to withdraw her plea,
20 the government shall have the right: (1) to prosecute the defendant on any of the counts to which she
21 pleaded guilty; (2) to reinstate any counts that may be dismissed pursuant to this plea agreement; and (3)
22 to file any new charges that would otherwise be barred by this plea agreement. The defendant shall
23 thereafter be subject to prosecution for any federal criminal violation of which the government has
24 knowledge, including perjury, false statements, and obstruction of justice. The decision to pursue any or
25 all of these options is solely in the discretion of the United States Attorney's Office.

26 By signing this plea agreement, the defendant agrees to waive any objections, motions, and
27 defenses that the defendant might have to the government's decision to exercise the options stated in the
28 previous paragraph. Any prosecutions that are not time-barred by the applicable statute of limitations as

1 of the date of this plea agreement may be commenced in accordance with this paragraph,
 2 notwithstanding the expiration of the statute of limitations between the signing of this plea agreement
 3 and the commencement of any such prosecutions. The defendant agrees not to raise any objections
 4 based on the passage of time with respect to such counts including, but not limited to, any statutes of
 5 limitation or any objections based on the Speedy Trial Act or the Speedy Trial Clause of the Sixth
 6 Amendment to any counts that were not time-barred as of the date of this plea agreement.

7 In addition: (1) all statements made by the defendant to the government or other designated law
 8 enforcement agents, or any testimony given by the defendant before a grand jury or other tribunal,
 9 whether before or after this plea agreement, shall be admissible in evidence in any criminal, civil, or
 10 administrative proceedings hereafter brought against the defendant; and (2) the defendant shall assert no
 11 claim under the United States Constitution, any statute, Rule 11(f) of the Federal Rules of Criminal
 12 Procedure, Rule 410 of the Federal Rules of Evidence, or any other federal rule, that statements made by
 13 the defendant before or after this plea agreement, or any leads derived therefrom, should be suppressed.
 14 By signing this plea agreement, the defendant waives any and all rights in the foregoing respects.

15 **III. THE GOVERNMENT'S OBLIGATIONS**

16 **A. No Additional Charges**

17 In exchange for the defendant's guilty plea, the government agrees not to present charges to the
 18 Grand Jury related the firearms trafficking activities she and Co-Conspirator 1, engaged in during the
 19 timeframe alleged in the Information. Such charges could include: unlawful dealing in firearms without
 20 a license, in violation of 18 U.S.C. § 922(a)(1)(A); selling a firearm to a prohibited person, in violation
 21 of 18 U.S.C. § 922(d); interstate transportation of firearms, in violation of 18 U.S.C. § 926A; and straw
 22 purchasing of firearms, in violation of 18 U.S.C. § 932.

23 **B. Pending State Charges Related to a July 19, 2024 Incident in Tracy, CA**

24 The defendant is also presently facing potential state charges for her possession of a semi-
 25 automatic rifle bearing serial number 24-0205 in Tracy, California on July 19, 2024.¹ As part of this
 26 plea agreement, the United States will expressly include this conduct in the factual basis and will

27 _____
 28 ¹ The circumstances surrounding the defendant's possession of this firearm are further described
 in Attachment A.

1 recommend an additional two months above the low end of the applicable guideline range for her
2 offense, as determined by the Court. The parties understand that, as part of the defendant's guilty plea
3 in this case, the District Attorney's Office with jurisdiction over that offense will agree in a separate
4 agreement not to file charges against the defendant related to her possession of the above-mentioned
5 semi-automatic rifle on July 19, 2024.

6 **C. Recommendations**

7 1. Incarceration Range

8 The government will recommend that the defendant be sentenced to a term of incarceration
9 equaling two months above the low end of the applicable guideline range for her offense, as determined
10 by the Court. The government may recommend whatever it deems appropriate as to all other aspects of
11 sentencing.

12 2. Supervised Release

13 The government will recommend that the defendant be sentenced to a term of supervised release
14 of three years.

15 3. Other Aspects of Sentencing

16 The government may recommend whatever it deems appropriate as to all other aspects of
17 sentencing.

18 4. Acceptance of Responsibility

19 The government will recommend a two-level reduction (if the offense level is less than 16) or a
20 three-level reduction (if the offense level reaches 16) in the computation of defendant's offense level if
21 she clearly demonstrates acceptance of responsibility for her conduct as defined in U.S.S.G. § 3E1.1.
22 This includes the defendant meeting with and assisting the probation officer in the preparation of the
23 pre-sentence report, being truthful and candid with the probation officer, and not otherwise engaging in
24 conduct that constitutes obstruction of justice within the meaning of U.S.S.G § 3C1.1, either in the
25 preparation of the pre-sentence report or during the sentencing proceeding.

26 **D. Use of Information for Sentencing**

27 The government is free to provide full and accurate information to the Court and the United
28 States Probation Office ("Probation"), including answering any inquiries made by the Court and/or

1 Probation, and rebutting any inaccurate statements or arguments by the defendant, her attorney,
2 Probation, or the Court. The defendant also understands and agrees that nothing in this Plea Agreement
3 bars the government from defending on appeal or collateral review any sentence that the Court may
4 impose.

5
6 **IV. ELEMENTS OF THE OFFENSE**

7 At a trial, the government would have to prove beyond a reasonable doubt the following
8 elements of the offense to which the defendant is pleading guilty:

9 As to the sole count of the information, trafficking in firearms, in violation of 18 U.S.C. §
10 933(a)(1):

- 11 1. That the defendant knowingly shipped, transported, transferred, caused to be transported,
12 or otherwise disposed of a firearm to another person;
- 13 2. That the shipment, transport, transfer, cause to be transported, or disposal of the firearm
14 was in or otherwise affecting interstate or foreign commerce; and
- 15 3. That the defendant knew or had reasonable cause to believe that the use, carrying, or
16 possession of a firearm would constitute a felony.

17 The defendant fully understands the nature and elements of the crime charged in the information
18 to which she is pleading guilty, together with the possible defenses thereto, and has discussed them with
19 her attorney.

20 **V. MAXIMUM SENTENCE**

21 **A. Maximum Penalty**

22 The maximum sentence that the Court can impose is 15 years of incarceration, a fine of
23 \$250,000, a three-year period of supervised release and a special assessment of \$100. By signing this
24 plea agreement, the defendant also agrees that the Court can order the payment of restitution for the full
25 loss caused by the defendant's wrongful conduct. The defendant agrees that the restitution order is not
26 restricted to the amounts alleged in the specific counts to which the defendant is pleading guilty. The
27 defendant further agrees, as noted above, that she will not attempt to discharge in any present or future
28 bankruptcy proceeding any restitution imposed by the Court.

1 **B. Violations of Supervised Release**

2 The defendant understands that if she violates a condition of supervised release at any time
3 during the term of supervised release, the Court may revoke the term of supervised release and require
4 the defendant to serve up to two years of additional imprisonment.

5 **VI. SENTENCING DETERMINATION**

6 **A. Statutory Authority**

7 The defendant understands that the Court must consult the Federal Sentencing Guidelines and
8 must take them into account when determining a final sentence. The defendant understands that the
9 Court will determine a non-binding and advisory guideline sentencing range for this case pursuant to the
10 Sentencing Guidelines and must take them into account when determining a final sentence. The
11 defendant further understands that the Court will consider whether there is a basis for departure from the
12 guideline sentencing range (either above or below the guideline sentencing range) because there exists
13 an aggravating or mitigating circumstance of a kind, or to a degree, not adequately taken into
14 consideration by the Sentencing Commission in formulating the Guidelines. The defendant further
15 understands that the Court, after consultation and consideration of the Sentencing Guidelines, must
16 impose a sentence that is reasonable in light of the factors set forth in 18 U.S.C. § 3553(a).

17 **VII. WAIVERS**

18 **A. Waiver of Constitutional Rights**

19 The defendant understands that by pleading guilty she is waiving the following constitutional
20 rights: (a) to plead not guilty and to persist in that plea if already made; (b) to be tried by a jury; (c) to
21 be assisted at trial by an attorney, who would be appointed if necessary; (d) to pursue any affirmative
22 defenses, Fourth Amendment or Fifth Amendment claims, constitutional challenges to the statutes of
23 conviction, and other pretrial motions that have been filed or could be filed; (e) to subpoena witnesses to
24 testify on her behalf; (f) to confront and cross-examine witnesses against him; and (g) not to be
25 compelled to incriminate himself.

26 **B. Waiver of Appeal and Collateral Attack**

27 The defendant understands that the law gives the defendant a right to appeal her guilty plea,
28 conviction, and sentence. The defendant agrees as part of her plea/pleas, however, to give up the right to

1 appeal any aspect of the guilty plea, conviction, or the sentence imposed in this case. The defendant
 2 understands that this waiver includes, but is not limited to, any and all constitutional and/or legal
 3 challenges to the defendant's conviction and guilty plea, including arguments that the statutes to which
 4 defendant is pleading guilty are unconstitutional, and any and all claims that the statement of facts
 5 attached to this agreement is insufficient to support the defendant's plea of guilty. The defendant
 6 specifically gives up the right to appeal any order of restitution the Court may impose.

7 Notwithstanding the defendant's waiver of appeal, the defendant will retain the right to appeal if
 8 one of the following circumstances occurs: (1) the sentence imposed by the District Court exceeds the
 9 statutory maximum; and/or (2) the government appeals the sentence in the case. The defendant
 10 understands that these circumstances occur infrequently and that in almost all cases this Agreement
 11 constitutes a complete waiver of all appellate rights.

12 In addition, regardless of the sentence the defendant receives, the defendant also gives up any
 13 right to bring a collateral attack, including a motion under 28 U.S.C. § 2255 or § 2241, challenging any
 14 aspect of the guilty plea, conviction, or sentence imposed in this case, except for non-waivable claims.

15 Notwithstanding the agreement in paragraph **Error! Reference source not found.** (No
 16 Additional Charges) above that the government will not file additional charges related to the conduct
 17 identified in that paragraph, if the defendant ever attempts to vacate her plea, dismiss the underlying
 18 charges, or modify or set aside her sentence on any of the counts to which she is pleading guilty, the
 19 government shall have the rights set forth in paragraph II.E (Defendant's Violation of Plea Agreement)
 20 herein.

21 **VIII. ENTIRE PLEA AGREEMENT**

22 Other than this plea agreement, no agreement, understanding, promise, or condition between the
 23 government and the defendant exists, nor will such agreement, understanding, promise, or condition
 24 exist unless it is committed to writing and signed by the defendant, counsel for the defendant, and
 25 counsel for the United States.


26
 27 [Signature page follows]
 28

IX. APPROVALS AND SIGNATURES

A. Defense Counsel

I have read this plea agreement and have discussed it fully with my client. The plea agreement accurately and completely sets forth the entirety of the agreement. I concur in my client's decision to plead guilty as set forth in this plea agreement.

Dated: 12/20/2024


Christina Sinha
Assistant Federal Defender
Counsel for Defendant

B. Defendant

I have read this plea agreement and carefully reviewed every part of it with my attorney. I understand it, and I voluntarily agree to it. Further, I have consulted with my attorney and fully understand my rights with respect to the provisions of the Sentencing Guidelines that may apply to my case. No other promises or inducements have been made to me, other than those contained in this plea agreement. In addition, no one has threatened or forced me in any way to enter into this plea agreement. Finally, I am satisfied with the representation of my attorney in this case.

Dated: 12/20/24


ALEJANDRA SUSANA CASTILLO,
Defendant

C. Attorney for the United States

I accept and agree to this plea agreement on behalf of the government.

Dated: 12/20/24

PHILLIP A. TALBERT
United States Attorney

By: 
ADRIAN T. KINSELLA
Assistant United States Attorney

EXHIBIT A

Factual Basis for Plea

If this matter proceeded to trial, the United States would establish the following facts beyond a reasonable doubt:

Between August 22, 2023 and August 27, 2024, the defendant, Alejandra Susana Castillo, and Co-Conspirator 1 trafficked firearms by purchasing them in Nevada and selling them on the black market in California. Because Co-Conspirator 1 is a convicted felon and is not able to purchase the firearms himself, he entered into a criminal partnership with Castillo to purchase the firearms for him. In general, the two obtained firearms by traveling together to firearms dealers in Nevada, where Co-Conspirator 1 would enter the stores first, identify the firearms he wanted to Castillo via text message or other communications, and then exit the store. Castillo, who is not a prohibited person, would then enter the store and purchase the firearms Co-Conspirator 1 had selected, pretending they were for her. Once Castillo had the firearms, the two would then travel by car with the firearms back to California, where they would unlawfully sell them to individuals in illegal firearm deals conducted with people who could not lawfully purchase firearms through legitimate means. During this conspiracy, Co-Conspirator 1's possession of these firearms was itself unlawful because he was a convicted felon and the two also sold firearms to others they knew or had reason to know were prohibited from possessing firearms.

On July 27, 2024, Co-Conspirator 1 was driving a white Honda Pilot in the City of Pleasanton. The vehicle was registered to Castillo, Co-Conspirator 1. An officer attempted to perform a traffic stop on Co-Conspirator 1's vehicle. Co-Conspirator 1 began to slow down, but then abruptly made a U-turn across multiple lanes of traffic and evaded the officer at speeds in excess of 100 miles per hour. The officer ultimately ended the pursuit for public safety concerns. The police subsequently obtained a seizure warrant for this vehicle. On July 19, 2024, a Tracy Police Department officers observed this car parked at a gas station in Tracy. The officers detained Castillo, who was inside the gas station. During a search of the vehicle, the officer discovered a semi-automatic rifle bearing serial number 24-020508 in the trunk, along with three extended magazines. Despite the fact that Castillo had purchased the rifle in Nevada, she claimed not to know anything about the weapon. She also claimed not to know who evaded the police in her vehicle on July 27, 2024.

From August 22, 2023, to August 27, 2024, in furtherance of trafficking in firearms offense alleged in the sole count of the information, Castillo purchased the following firearms in Nevada:

Date Purchased	Manufacturer	Model	Caliber	Serial Number
August 22, 2023	Glock GMBH	43X	9mm	AHTA208
October 11, 2023	Glock GMBH	43x	9mm	CBMD301
April 30, 2024	Sig Sauer	P320	9mm	58K240172
May 16, 2024	Century Arms Int.	Micro Draco	7.62 x 39mm	23PMD-45764
May 16, 2024	CZ	Scorpion Evo 3 Plus	9mm	ZS016589
May 24, 2024	Century Arms	Micro Draco	7.62 x 39mm	USD001554
May 24, 2024	Ruger	Ruger-57	5.7 x 28mm	643-52972
May 31, 2024	Glock GMBH	42	.380	AFWT805
May 31, 2024	Smith & Wesson	M&P 9 Shield Plus	9mm	EFE8142
June 15, 2024	Glock GMBH	G27	.40	UDC511
June 15, 2024	Smith & Wesson	M&P 5.7	5.7x28mm	PJU9844
June 18, 2024	DPMS	ANVIL	7.62 x 39mm	AV4700380
June 25, 2024	Smith & Wesson	M&P 40 Shield	.40	HTM6542
June 25, 2024	Taurus	PT738	.380	11181B
July 5, 2024	Glock GMBH	27 Gen 5	.40	BMLD175
July 5, 2024	Century Arms	Micro Draco	7.62 x 39mm	USD001057
July 16, 2024	SCCY IND. LLC	CPX-2	9mm	C424355
July 16, 2024	Century Arms	Micro Draco	7.62 x 39mm	23PMD-45764
July 16, 2024	CZ	Scorpion Evo 3 Plus	9mm	ZS016589
July 16, 2024	Glock GMBH	29	10mm	CFZ233US
July 19, 2024	Glock GMBH	20 Gen 4	10mm	BLFC343
July 23, 2024	Radical Firearms	RF-15	5.56 x 45mm	24-020508
July 30, 2024	SCCY IND. LLC	CPX-2	9mm	C424355
August 2, 2024	Smith & Wesson	M&P 57	5.7 x 28mm	PJM9642
August 5, 2024	Glock GMBH	26	9mm	BTSP070
August 5, 2024	Glock GMBH	27	.40	BVH118US
August 22, 2024	Springfield Armory	Saint	5.56 x 45mm	ST398130
August 22, 2024	Glock GMBH	43x	9mm	11181B
August 27, 2024	Smith & Wesson	M&P 2.0	9mm	NCL0470
August 27, 2024	Kahr	P40	.40	ZA2409

At least three of these firearms were recovered in connection with suspected firearm-related crimes. The Glock 43X 9mm handgun bearing serial number AHTA208 that Castillo purchased on August 22, 2023, was recovered by the Canada Border Services Agency. The Glock 20 10mm handgun was recovered by the California Highway Patrol in the possession of a felon in Vallejo on July 25, 2024, only three days after Castillo purchased the firearm in Nevada on July 22, 2024. The Century Arms Micro Draco pistol bearing serial number 23PMD-45764 was found discarded by a highway in San Ramon, California on July 30, 2024, 14 days after Castillo purchased it in Nevada on July 16, 2024.

On August 27, 2024, officers obtained federal search warrants for Co-Conspirator 1 and Castillo's persons, residence, and vehicles. That same day, officers intercepted Co-Conspirator 1 and Castillo on the highway as the two were traveling back to California from Nevada, where they had just

1 purchased last two firearms in the table above, as well as ammunition. During a search of Co-
2 Conspirator 1 and Castillo's residence, officers discovered a loaded Smith and Wesson model SD40 VE
3 .40 caliber pistol bearing serial number FZN5991, a loaded Kel-Tec Sub 2000 9mm carbine bearing
4 serial number FGD459 with a high-capacity magazine inserted, and multiple rounds of assorted
5 ammunition.

6 As part of this plea agreement, the defendant admits that she was willfully worked with Co-
7 Conspirator 1 to acquire the above-mentioned firearms in Nevada, to transport them to California, and to
8 sell them to others on the black market. She admits that she knew Co-Conspirator 1 was a felon and
9 therefore that his possession of these firearms itself constituted a felony. She also stipulates that she
10 knew or had reasonable cause to believe that she and Co-Conspirator 1 sold these firearms to people
11 whose possession of them would constitute a felony, including because at least some of these people
12 were felons or otherwise prohibited persons.

13 I, ALEJANDRA SUSANA CASTILLO, have read the Factual Basis for Plea and agree to the
14 facts and stipulations contained therein.

15
16
17 Dated: 12/20/24

Alejandra Susana Castillo
ALEJANDRA SUSANA CASTILLO,
Defendant